

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MIRSAD HAJRO, JAMES R. MAYOCK, ) Case No.: 08-1350-PSG  
)  
Plaintiffs, ) **ORDER REQUESTING FURTHER  
v. ) BRIEFING RE: ATTORNEY'S FEES**  
)  
UNITED STATES CITIZENSHIP AND )  
IMMIGRATION SERVICES; T. DIANE )  
CEJKA, Director, USCIS National Records )  
Center; ROSEMARY MELVILLE, USCIS )  
District Director of San Francisco; JANET )  
NAPOLITANO, Secretary, Department of )  
Homeland Security; ERIC HOLDER, Attorney )  
General, Department of Justice, )  
)  
Defendants. )

On October 13, 2011, the court issued an order (the “October 13 Order”) granting-in-part and denying-in-part cross-motions for summary judgment brought by Mirsad Hajro (“Hajro”) and James R. Mayock (“Mayock”) (collectively “Plaintiffs”), and by Defendant United States Citizenship and Immigration Services (“USCIS”), together with various individual defendants (collectively “Defendants”).<sup>1</sup> Plaintiffs brought this suit under the Freedom of Information Act

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<sup>1</sup> See Docket No. 77 (Amended Order Granting-In-Part and Denying-In-Part Mot. for Summ. J.) (“Summary Judgment Order”).

1 ("FOIA"),<sup>2</sup> and the 1992 Settlement Agreement between Mayock and USCIS. Plaintiffs now move  
 2 for attorney's fees and costs.<sup>3</sup> Defendants oppose.<sup>4</sup>

3 The court is cognizant that this action has lumbered along for nearly six years.  
 4 Nevertheless, the court must reluctantly request further briefing on Plaintiffs' attorney's fees  
 5 request because USCIS' opposition failed to reach the merits of whether Plaintiffs' are in fact  
 6 entitled to the fees they have requested. USCIS elected only to brief whether this court should issue  
 7 a stay pending USCIS' appeal of the court's October 13 Order.

8 With this in mind, the court ORDERS as follows: (1) no later than September 7, 2012,  
 9 USCIS shall submit its opposition—on the merits—to Plaintiffs' motion for attorney's fees and  
 10 costs. USCIS' opposition may not exceed 10 pages; and (2) no later than September 14, 2012,  
 11 Plaintiffs' may submit a response to USCIS' opposition. Plaintiffs' response, if they elect to file  
 12 one at all, shall not exceed 10 pages.

13 **IT IS SO ORDERED.**

14 Dated: August 30, 2012

15   
 16 PAUL S. GREWAL  
 17 United States Magistrate Judge

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 26 <sup>2</sup> See 5 U.S.C. § 552(a)(3).

27 <sup>3</sup> See generally Docket No. 93 (Mot. for Att'y Fees and Costs).

28 <sup>4</sup> See generally Docket No. 99 (Opp'n to Mot. for Att'y Fees and Costs).